

RECEIVED  
CENTRAL FAX CENTER

NOV 16 2006

*Confidentiality Note:*

The information contained in this facsimile message is confidential and its contents are intended to be legally privileged information solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the address shown below via air courier service, the United States Postal Service or your national postal service (air mail). Thank You.

**ALSTON&BIRD LLP**

3201 Beechleaf Court, Suite 600  
Raleigh, NC 27604-1062

919-862-2200  
Fax: 919-862-2260

**TELECOPY**  
**PLEASE DELIVER AS SOON AS POSSIBLE**

DATE: November 16, 2006

**TO:** **TC 1600****FROM:** Michelle L. Cunningham

In re:	Sullivan <i>et al.</i>	Confirmation No.:	6766
Appl No.:	10/783,061	Group Art Unit:	1645
Filed:	2/20/04	Examiner:	L. Tongue
For:	POWDER FORMULATIONS OF rSEB FOR IMPROVED VACCINATION		

**Attachments:**

Response to Restriction Requirement(2 pages)

**NO. OF PAGES:** 3  
(Including cover page)

**OPERATOR:**

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT (919) 862-2200

USER CODE: LAKE

FAX NUMBER: 571-273-8300

CLIENT/MATTER: 035510/303994

REQUESTED BY: Pam Lockley

VOICE NUMBER:

NOV 16 2006

Attorney's Docket No. 035510/303994

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Sullivan *et al.* Confirmation No.: 6766  
Appl No.: 10/783,061 Group Art Unit: 1645  
Filed: 2/20/04 Examiner: L. Tongue  
For: POWDER FORMULATIONS OF rSEB FOR IMPROVED VACCINATION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated November 1, 2006, in which the Examiner has required restriction between Group I (claims 69 and 71), Group II (claim 70), Group III (claims 72 and 73), and Group IV (claims 74 and 75). Applicants hereby elect without traverse to prosecute the claims of Group I (claims 69 and 71) and expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

The Examiner has acknowledged that the present Action requires restriction between product and process claims. In accordance with MPEP 821.04, upon allowance of the elected product claims of Group I, withdrawn process claims that depend from or otherwise require all of the limitations of the allowable product claim(s) should be rejoined and examined for patentability. Upon rejoinder of the previously nonelected process claims, the restriction requirement between the elected product claims of Group I and the rejoined process claims of Group II should be withdrawn.

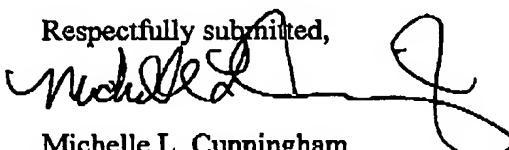
Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl No.: 10/783,061  
Amdt. dated 11/16/2006  
Reply to Restriction Requirement of November 1, 2006

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

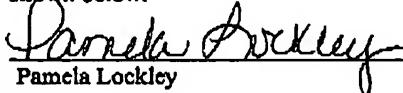
Respectfully submitted,



Michelle L. Cunningham  
Registration No. 51,072

Customer No. 47656  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260  
LEGAL02/30161214v1

CERTIFICATION OF FACSIMILE TRANSMISSION  
I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.



Pamela Lockley

11/16/06  
Date